REMARKS

In reply to the Office Action of August 28, 2007, applicants respectfully request that all claims be allowed in view of the amendments to the claims and the following remarks. Claims 1-35 are pending, of which claims 1, 19, 31, and 35 are independent. Claims 1, 9, 19, 21, and 31 have been amended. Claims 34-35 have been added. Support for the amendments may be found, for example, at page 9, lines 26-28 and page 13, lines 1-9 of the specification and Fig. 3. Applicants submit that no new matter has been introduced.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 5-11, 13-23 and 25-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Monteiro (U.S. Patent No. 6,119,163) in view of Marks (U.S. Pat. Pub. No. 2001/0053944). Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-3, 5-11, 13-23 and 25-33 because none of Monteiro, Marks, or any proper combination of Monteiro and Marks describe or suggest the subject matter of amended independent claims 1, 19, and 31.

Amended independent claim 1 recites a method for enabling access to electronic media. The method includes accessing a first track of electronic media from a source by a client and accessing a rule set from the source by a client wherein the rule set is personalized to at least one user and configured to respond to an arising condition based on whether the arising condition is met after the first track of electronic media has been accessed. The rule set includes an event definition describing an event condition to be monitored during a current media state and an event transition that relates the event definition to a new media state to enable the new media state to be realized upon detecting the event condition described with respect to the event definition. The method further includes detecting that the event condition described with respect to the event definition in the rule set has occurred by the client, and performing the event transition in response to detecting occurrence of the event condition by the client.

Monteiro discloses a scalable architecture for delivery of real-time information over a communications network. See Monteiro at Abstract. Monteiro's architecture may include a

Network Control Center that provides the information for delivery. See Monteiro at col. 4, lines 25-26. To adapt to network congestion and packet loss, Monteiro discloses that the data rate may be lowered. See Monteiro at col. 7, lines 26-30. Thus, Monteiro discloses an architecture that allows a lower bit rate to be specified, but Monteiro does not describe or suggest a client accessing a rule set personalized to at least one user from a source, as recited by amended independent claim 1.

Marks discloses a method for playing audio program playlists. See Marks at Abstract. Marks discloses that a listener may choose an option on a control device to reduce or remove DJ and other non-revenue producing talk. See Marks at [0039]; Fig. 1. Thus, Marks discloses that a user makes such a selection, but does not disclose that selection is provided from a source to the user. Therefore, Marks does not remedy Monteiro's failure to describe or suggest a client accessing a rule set personalized to at least one user from a source, as recited in independent claim 1, nor does the Office Action contend that Marks does so.

For at least these reasons, applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and claims 2-18, 32, and 33, which depend from claim 1. Independent claims 19 and 31 recite subject matter that is similar to that discussed above in connection with independent claim 1, and do so in the context of a system. Accordingly, at least for the reasons discussed above in connection with independent claim 1, applicants respectfully request withdrawal of the rejection of independent claims 19 and 31 and their respective dependent claims, claims 20-30 and 34.

Claims 9, 21, and 34

Amended dependent claim 9 recites a method that includes accessing the event definition that relates to an interruption in a network service while accessing the first track, and responding to the network interruption by accessing electronic media locally stored at the client. Neither Monteiro, Marks, nor any proper combination of Monteiro and Marks describe or suggest responding to the network interruption by accessing electronic media locally stored at the client, as recited by amended claim 9. Amended dependent claim 21 and new dependent claim 34 recite subject matter that is similar to that discussed above in connection with claim 9, and do so

Applicant : Scott Brown et al.
Serial No. : 10/747,675
Filed : December 30, 2003
Page : 12 of 14

Attorney's Docket No.: 06975-379001 / AOL 139

in the context of a system. Accordingly, applicants respectfully request withdrawal of the rejection of claims 9 and 21, and allowance of new claim 34.

Claims 4, 12, and 24

Claims 4, 12, and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Monteiro in view of Marks and further in view of Rowlands (U.S. Patent App. Pub. No. 2002/0083346).

Rowlands discloses a method and system for distribution of musical data using both a public key and a private key to protect the rights of a remote party. See Rowlands at Abstract. Importantly, however, Rowlands does not cure the deficiencies in Monteiro and Marks noted above in connection with independent claims 1 and 19, nor does the Office Action contend that Rowlands does so. Accordingly, because of their dependencies and the reasons discussed above in connection with independent claims 1 and 19, applicants respectfully request reconsideration and withdrawal of the rejection of dependent claims 4, 12, and 24.

New Claim

New independent claim 35 recites a method for enabling access to electronic media that includes receiving, at a host, a first request to access electronic media from a first client, providing, from the host, a first rule set to the first client, the first rule set including a first event definition describing a first event condition to be monitored during a current media state, and a first event transition that enables a new media state to be realized upon detection of the first event condition, detecting, by the host, the first event condition, creating, by the host, a second rule set in response to the detection of the first event condition, the second rule set including a second event definition describing a second event condition to be monitored during a current media state, and a second event transition that enables a new media state to be realized upon detection of the second event condition, receiving, at the host, a second request to access electronic media from a second client, providing, from the host, a second rule set to the second client in response to the reception of the second request to access electronic media, detecting, by

the second client, the second event condition, and performing, by the second client, the second event transition in response to detection of the second event condition.

Applicants submit that new independent claim 35 is allowable over the references of record, namely Monteiro and Marks, at least because neither Monteiro, Marks, nor any proper combination of Monteiro and Mark describes or suggests <u>detecting, by the host, the first event condition, creating, by the host, a second rule set in response to the detection of the first event condition, and providing, from the host, a second rule set to the second client in response to the reception of the second request to access electronic media,</u> as recited by new independent claim 35.

Conclusion

Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The $310 excess claim fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:_____November 28, 2007_____

Hussein Akhavannik
Reg. No. 59,347

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40444074.doc